



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Allied Precious Metals Recycling Company--  
Reconsideration  
File:  
Date: B-227126.2  
June 18, 1987

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### DIGEST

Request for reconsideration is dismissed where initial protest of alleged solicitation defects was filed after bid opening, and is untimely, and protester's request for reconsideration concerns compliance with hazardous waste disposal which is outside bid protest function and also protests anticipated terms of solicitations not yet issued which is premature.

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### DECISION

Allied Precious Metals Recycling Company requests that we reconsider our dismissal of its protest alleging a solicitation defect in invitation for bids (IFB) No. 41-7299 issued by the Defense Logistics Agency for the purchase of aircraft carcasses located at Davis Monthan Air Force Base in Tucson, Arizona. We dismiss the request.

The original protest, filed in our Office on May 14, 1987, essentially maintained that in order for all bidders on the solicitation to compete on an equal basis, the subject IFB, as well as "subsequent" solicitations, for aircraft carcasses and their radar and electrical components, should require that bids be itemized to show what portion, if any, of the purchase price offered has been allocated by the bidder for "environmental management." As a basis for its contention, Allied stated that contractors must assume the expense of moving aluminum dross (a hazardous waste by-product of the smelting process used in the recovery of aluminum) to a hazardous waste landfill. Otherwise, Allied contends, the contractors are not in compliance with federal and Arizona state law for the disposal of hazardous waste products. Allied indicates that because its quotation on the subject solicitation included the cost of moving the aluminum dross to a hazardous waste landfill, which, Allied

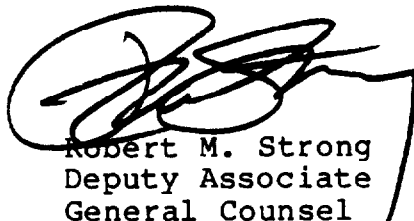
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states, is presently required under Arizona law, its bid was out of line with those of other bidders.

Under our Bid Protest Regulations, a protest of an alleged solicitation defect apparent from the face of the IFB must be filed before bid opening. 4 C.F.R. § 21.2(a)(1) (1986). Since bids on the subject IFB were opened on May 7, 1987, Allied's protest filed on May 14, was dismissed because under our Regulations, it was untimely. Upon request for reconsideration, Allied seeks to have our Office "resolve what looks to be a horrendous problem," notwithstanding the untimeliness of its protest. Allied's submission also implies that the protester's concern in this protest pertains to future procurements of the same or similar nature as the solicitation involved here.

While we appreciate the protester's stated concern for compliance with the requirements of hazardous waste legislation in the performance of this and future government contracts, it is not our function to enforce environmental legislation through our bid protest authority. See Northwest Forest Workers Association, B-197553, June 18, 1980, 80-1 C.P.D. ¶ 428. To the extent that Allied's protest concerns future procurements of similar services, the protest is premature since our Office considers protests involving solicitations already issued by federal agencies and awards made or to be made under those solicitations. 4 C.F.R. § 21.1(a) (1986). Where, as here, the protester does not refer to any other specific solicitation(s) issued for these services by the contracting agency, the agency has done nothing that can be the subject of a bid protest. See Centronics Sales & Services Corp., B-225514, Dec. 3, 1986, 86-2 C.P.D. ¶ 640.

The request for reconsideration is dismissed.

  
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